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HUMAN RIGHTS COMMITTEE
Seventy-second session

LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH THE CONSIDERATION OF THE SECOND PERIODIC REPORT OF AZERBAIJAN ADOPTED BY THE HUMAN RIGHTS COMMITTEE ON 5 APRIL 2001

Constitutional and legal framework within which the Covenant is implemented, self-determination and the state of emergency (arts. 1, 2, 4)

1. Please provide information on the status of the Covenant in domestic jurisdiction. Please indicate whether, during the period under review, there have been any cases in which provisions of the Covenant were directly invoked before State organs, the Constitutional Court and ordinary courts (para. 58).

2. What derogations from Covenant rights occurred during the states of emergency cited in the report in paragraph 160, and to what extent?

3. Does the State party envisage ratification of the first Optional Protocol?

Right to life, protection from torture, liberty and security of the person, the treatment of detainees (arts. 6, 7, 9, 10)

4. Please give information on the measures that the State party has taken to implement the recommendations made by United Nations mechanisms with regard to the numerous allegations of torture and other acts of cruel, inhuman or degrading treatment or punishment by law enforcement agents. Have investigations been conducted into such allegations and, in the affirmative, have perpetrators been punished?

5. Please clarify allegations on the use of excessive force by law enforcement officials during demonstrations and opposition rallies in the context of the November 2000 parliamentary elections, as well as those of 29 April 2000 against the election law.

6. Please clarify how the rights of detained persons to have access to a lawyer, to inform relatives, as well as to a doctor of their choice, are protected in law and in practice (see paras. 235-237).

7. Please clarify to what extent the United Nations Standard Minimum Rules for the Treatment of Prisoners have been incorporated into national legislation and are complied with, in particular by the police, prison administrators and other persons responsible for carrying out interrogations.

8. What mechanisms exist for the supervision of places of detention? Is there an independent mechanism for the investigation of complaints against members of the police and prison guards; if not, how are such complaints investigated? Please provide statistics on the number of such complaints and their outcome.

9. With regard to citizens' complaints about the improper conduct of pre-trial investigations by the Procurator's Office, referred to in paragraph 216, please elaborate on these allegations and on the "appropriate measures taken against the officials to whom they referred" (para. 217).

Elimination of slavery and servitude (art. 8)

10. Please provide information and any available statistics about the trafficking of women and girls for the purpose of prostitution. What measures has the State party taken to combat these practices on its territory?

Independence of the judiciary and the right to a fair trial (art. 14)

11. Please provide information on how the new legislation ensures the independence of the judiciary, particularly regarding procedures for the appointment of judges, including their tenure, promotion and discipline. What steps have been taken by the State party to combat alleged corruption in the judiciary? Please provide information with regard to the wide power of the prosecutors.

Freedom of religion (art. 18)

12. What restrictions exist on freedom of worship in practice (para. 261). In this respect, are there legal provisions for conscientious objection to military service? If not, what are the steps envisaged to adopt provisions to that effect?

Freedom of opinion and expression and the right to receive information (art. 19)

13. Please provide information on existing restrictions on the right to freedom of opinion and expression and how they comply with article 19 of the Covenant. How is freedom of the print and the electronic media guaranteed in law and in practice?

14. Please provide information on allegations of harassment and intimidation of independent journalists and independent media, including on economic obstacles to their operation, the imposition of fines and licensing laws, as well as bias in the State-owned media.

Freedom of assembly and association (arts. 21, 22)

15. What are the procedures for the registration of associations? In how many cases has registration been denied, and how was this justified? What are the appeal procedures? Have any political parties been denied registration?

16. How does domestic legislation guarantee the effective exercise of the right to assembly? How many permit applications for public demonstrations have been rejected, and on what grounds?

Participation in the conduct of public affairs (art. 25)

17. Has the State party imposed a ban on the activities of any of the existing political parties and if so, on what grounds (para. 553 of the report)?

18. With particular reference to alleged obstacles to the registration of candidates during the parliamentary elections in November 2000, please explain the guarantees for safeguarding the free expression of the will of the people.

Non-discrimination, equality between the sexes, rights of persons belonging to minorities (arts. 2 (1), 3, 26, 27)

19. Please provide updated information on the number and percentage of persons belonging to minorities. Please elaborate on the statement that Azerbaijan's minorities are broadly represented in official State structures (para. 630), providing current data on their participation in political and public affairs. Do members of minorities face any additional difficulties, particularly when seeking employment, housing and education?

20. What concrete measures have been taken, or are envisaged, to enhance the status of women in public life? What steps have been taken to eliminate discrimination against women and to provide legal remedies in cases of any such discrimination, and with what results?

21. Please indicate practical and legal measures, existing and proposed, to combat and eliminate violence against women, including domestic violence. Are measures taken to increase public awareness of these issues, and is assistance available to victims?

Dissemination of information relating to the Covenant (art. 2)

22. What measures, if any, have been taken to ensure dissemination of the content of the current report in Azerbaijan?

23. Do programmes exist for the training of members of the judiciary, law enforcement officials and other public officials about the provisions of the Covenant and their application, or are such programmes being envisaged?